



Journal of the House

State of Indiana

114th General Assembly

First Regular Session

Forty-second Meeting Day

Monday Morning

April 11, 2005

The House convened at 10:00 a.m. with the Speaker in the Chair.

The invocation was offered by Barry Krauss, former Indianapolis Colt and current coach of the Indiana Tornados, the guest of Representative Kathy K. Richardson.

The Pledge of Allegiance to the Flag was led by Representative Richardson.

The Speaker ordered the roll of the House to be called:

T. Adams ☐	Klinker
Aguilera	Koch
Alderman	Kromkowski
Austin	Kuzman
Avery	L. Lawson
Ayres	Lehe
Bardon	Leonard
Bauer	J. Lutz
Becker	Mahern
Behning ☐	Mays
Bischoff	McClain
Borders	Messer
Borror	Micon
Bottorff	Moses
Bright	Murphy
C. Brown	Neese
T. Brown	Noe
Buck	Orentlicher
Budak	Oxley
Buell	Pelath
Burton	Pflum
Cheney	Pierce
Cherry	Pond
Cochran	Porter
Crawford	Reske
Crooks	Richardson
Davis	Ripley
Day	Robertson
Denbo	Ruppel
Dickinson	Saunders
Dobis	J. Smith
Dodge	V. Smith
Duncan	Stevenson
Dvorak	Stilwell
Espich	Stutzman ☐
Foley	Summers
Friend ☐	Thomas
Frizzell	Thompson
Fry	Tincher
GiaQuinta	Torr
Goodin	Turner
Grubb	Ulmer
Gutwein	VanHaaften
E. Harris	Walorski
T. Harris	Welch ☐
Heim	Whetstone
Hinkle	Wolkins
Hoffman	Woodruff
Hoy	Yount
Kersey	Mr. Speaker

Roll Call 476: 95 present; 5 excused. The Speaker announced a quorum in attendance. [NOTE: ☐ indicates those who were excused.]

Representative Trent VanHaaften announced that Jimmy Shawn Lee, a Marine from Mount Vernon, Indiana, had been killed in the crash of a military helicopter in Afghanistan.

The House stood for a moment of silence in memory of Jimmy Shawn Lee.

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has accepted and approved the Joint Rule 20 correction on Engrossed Senate Bill 200.

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has accepted and approved the Joint Rule 20 correction on Engrossed Senate Bill 372.

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has not concurred in House amendments to Engrossed Senate Bill 66 and the President Pro Tempore has appointed the following Senators a conference committee to meet and confer with a like committee of the House on said bill, and to report thereon:

Conferees: Dillon, Chair; and Rogers

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has not concurred in House amendments to Engrossed Senate Bill 100 and the President Pro Tempore has appointed the following Senators a conference committee to meet and confer with a like committee of the House on said bill, and to report thereon:

Conferees: Long, Chair; and Broden
Advisors: Waltz and Mrvan

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has not concurred in House amendments to Engrossed Senate Bill 202 and the President Pro Tempore has appointed the following Senators a conference committee to meet and confer with a like committee of the House on said bill, and to report thereon:

Conferees: Wyss, Chair; and Simpson
Advisors: Meeks and Hume

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has not concurred in House amendments to Engrossed Senate Bill 217 and the President Pro Tempore has appointed the following Senators a conference committee to meet and confer with

a like committee of the House on said bill, and to report thereon:

Conferees: Server, Chair; and L. Lutz

Advisors: Merritt and Craycraft

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has not concurred in House amendments to Engrossed Senate Bill 218 and the President Pro Tempore has appointed the following Senators a conference committee to meet and confer with a like committee of the House on said bill, and to report thereon:

Conferees: Nugent, Chair; and Howard

Advisors: Steele and Simpson

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has not concurred in House amendments to Engrossed Senate Bill 279 and the President Pro Tempore has appointed the following Senators a conference committee to meet and confer with a like committee of the House on said bill, and to report thereon:

Conferees: Gard, Chair; and Hume

Advisors: Mishler and Antich-Carr

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has not concurred in House amendments to Engrossed Senate Bill 397 and the President Pro Tempore has appointed the following Senators a conference committee to meet and confer with a like committee of the House on said bill, and to report thereon:

Conferees: Landske, Chair; and Lanane

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has not concurred in House amendments to Engrossed Senate Bill 459 and the President Pro Tempore has appointed the following Senators a conference committee to meet and confer with a like committee of the House on said bill, and to report thereon:

Conferees: Dillon, Chair; and Simpson

Advisors: Kenley and Hume

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has not concurred in House amendments to Engrossed Senate Bill 481 and the President Pro Tempore has appointed the following Senators a conference committee to meet and confer with a like committee of the House on said bill, and to report thereon:

Conferees: C. Lawson, Chair; and Simpson

Advisors: Miller and Sipes

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has not concurred in House amendments to Engrossed Senate Bill 564 and the President Pro Tempore has appointed the following Senators a conference committee to meet and confer with a like committee of the House on said bill, and to report thereon:

Conferees: Clark, Chair; and Broden

Advisors: Kruse and Mrvan

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has not concurred in House amendments to Engrossed Senate Bill 571 and the President Pro Tempore has appointed the following Senators a conference committee to meet and confer with a like committee of the House on said bill, and to report thereon:

Conferees: Ford, Chair; and Simpson

Advisors: Alting and Hume

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has not concurred in House amendments to Engrossed Senate Bill 615 and the President Pro Tempore has appointed the following Senators a conference committee to meet and confer with a like committee of the House on said bill, and to report thereon:

Conferees: Server, Chair; and Rogers

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I hereby transmit Senate Enrolled Acts 32, 47, 117, 164, 165, 197, 293, 525, 603, and 620 for signature.

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I hereby transmit Senate Enrolled Act 56 for signature.

MARY C. MENDEL
Principal Secretary of the Senate

ENROLLED ACTS SIGNED

The Speaker announced that he had signed House Enrolled Acts 1069, 1126, 1219, 1302, 1358, 1432, 1580, and 1594 and Senate Enrolled Acts 43, 60, 88, 111, 172, 175, 212, 303, 315, and 513 on April 7.

The House recessed until the fall of the gavel.

RECESS

The House reconvened at 2:00 p.m. with the Speaker in the Chair.

Representatives Behning, Friend, Stutzman, and Welch, who had been excused, were present.

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has not concurred in House amendments to Engrossed Senate Bill 233 and the President Pro Tempore has appointed the following Senators a conference committee to meet and confer with a like committee of the House on said bill, and to report thereon:

Conferees: Drozda, Chair; and Lewis

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has not concurred in House amendments to Engrossed

Senate Joint Resolution 10 and the President Pro Tempore has appointed the following Senators a conference committee to meet and confer with a like committee of the House on said bill, and to report thereon:

Conferees: C. Lawson, Chair; and L. Lutz

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Senate Concurrent Resolution 40 and the same is herewith transmitted to the House for further action.

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Senate Concurrent Resolution 59 and the same is herewith transmitted to the House for further action.

MARY C. MENDEL
Principal Secretary of the Senate

MOTIONS TO DISSENT FROM SENATE AMENDMENTS

HOUSE MOTION

Mr. Speaker: I move that the House dissent from the Senate amendments to Engrossed House Bill 1033 and that the Speaker appoint a committee to confer with a like committee from the Senate and report back to the House.

HEIM

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House dissent from the Senate amendments to Engrossed House Bill 1057 and that the Speaker appoint a committee to confer with a like committee from the Senate and report back to the House.

DUNCAN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House dissent from the Senate amendments to Engrossed House Bill 1059 and that the Speaker appoint a committee to confer with a like committee from the Senate and report back to the House.

GRUBB

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House dissent from the Senate amendments to Engrossed House Bill 1063 and that the Speaker appoint a committee to confer with a like committee from the Senate and report back to the House.

WOLKINS

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House dissent from the Senate amendments to Engrossed House Bill 1120 and that the Speaker appoint a committee to confer with a like committee from the Senate and report back to the House.

ESPICH

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House dissent from the Senate amendments to Engrossed House Bill 1135 and that the Speaker

appoint a committee to confer with a like committee from the Senate and report back to the House.

HEIM

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House dissent from the Senate amendments to Engrossed House Bill 1141 and that the Speaker appoint a committee to confer with a like committee from the Senate and report back to the House.

T. BROWN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House dissent from the Senate amendments to Engrossed House Bill 1142 and that the Speaker appoint a committee to confer with a like committee from the Senate and report back to the House.

T. BROWN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House dissent from the Senate amendments to Engrossed House Bill 1159 and that the Speaker appoint a committee to confer with a like committee from the Senate and report back to the House.

RUPPEL

Motion prevailed.

RESOLUTIONS ON FIRST READING

House Concurrent Resolution 42

Representatives J. Smith and Buck introduced House Concurrent Resolution 42:

A CONCURRENT RESOLUTION honoring the 100th anniversary of the General James Cox Chapter of the National Society of Daughters of the American Revolution.

Whereas, The General James Cox Chapter of the National Society of Daughters of the American Revolution was founded on April 15, 1905, by Mrs. Nannie L. Ross;

Whereas, The chapter was the 20th chapter to be issued a charter in Indiana and received charter number 682;

Whereas, In 1924, the chapter arranged for the installation of a flagpole and marker in Foster Park in Kokomo, which was dedicated to "patriots of 1776, both civil and military, who gave us our country, our flag, and our Constitution", as well as to the veterans of the War of 1812, the Mexican War, the Civil War, the Spanish-American War, and World War I;

Whereas, In 1993, the flagpole was rededicated to include the veterans of World War II, the Korean War, the Vietnam War, and all the brave men and women who have fought in defense of our country; the rededication also included raising a new 10' by 15' flag to replace the previous 3' by 5' flag;

Whereas, In 1996, the chapter sponsored the Chief Peshewa Society of the Children of the American Revolution;

Whereas, The chapter regularly sponsors and participates in Memorial Day services and provides gifts to the United States military, scholarships, "Good Citizen" awards to selected students at Howard County schools, and savings bonds to winners of the American History and Christopher Columbus essay contests; in addition, the chapter annually presents a local teacher with the American History Teacher Award; and

Whereas, April 15, 2005, marks the 100th anniversary of the founding of the General James Cox Chapter of the National Society of Daughters of the American Revolution: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

SECTION 1. That the Indiana General Assembly honors the 100th anniversary of the General James Cox Chapter of the National Society of Daughters of the American Revolution.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Jacqueline Hunt, regent of the chapter.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsor: Senator Drozda.

House Concurrent Resolution 43

Representatives Davis and Turner introduced House Concurrent Resolution 43:

A CONCURRENT RESOLUTION to honor and congratulate Stephanie Arnold for participating in the Archery Competition in the 2004 Summer Olympic Games in Athens Greece.

Whereas, Stephanie Arnold started shooting archery at a very young age as a result of her parents owning an archery shop in Yorktown, Indiana;

Whereas, Stephanie Arnold is a life-long resident of the State of Indiana;

Whereas, Stephanie Arnold graduated from Hamilton Southeastern High School in Fishers, Indiana;

Whereas, Stephanie Arnold graduated with a Bachelor's degree in Communication Studies from Taylor University in Upland, Indiana;

Whereas, Stephanie has the strong support of her family including her husband, Dave Arnold and her stepson, Remington;

Whereas, Under the coaching of her father and Muncie Firefighter, Rick White, Stephanie started shooting again four and a half years ago;

Whereas, Stephanie Arnold was able to qualify for second place, on a three-person team, earning her a spot on the United States Olympic Women's Archery Team;

Whereas, Stephanie Arnold was the 2004 recipient of the Sagamore of the Wabash Tournament;

Whereas, Stephanie's success in various tournaments led to her being sponsored by the Indiana Sports Corporation which is dedicated to promoting amateur athletics;

Whereas, Stephanie Arnold is continuing to participate in the sport of archery as a member of the 2005 United States Archery Team; and

Whereas, Stephanie Arnold's dedication and hard work earned her the opportunity to participate in the Archery Competition in the 2004 Summer Olympic Games in Athens Greece and to represent the United States of America along with the world's most elite and gifted athletes: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

SECTION 1. That the Indiana House of Representatives does honor and congratulate Stephanie Arnold for participating in the Archery Competition in the 2004 Summer Olympic Games in Athens Greece.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit copies of this resolution to Stephanie Arnold.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsor: Senator Paul.

House Resolution 43

Representative Burton, Foley, Frizzell, and Yount introduced House Resolution 43:

A HOUSE RESOLUTION recognizing Doris Scroggins.

Whereas, Doris Scroggins was born on October 4, 1936;

Whereas, Doris graduated from Spiceland High School in 1954 as valedictorian of her class, attended Indiana University in

Bloomington, and graduated Beta Gamma Sigma, Indiana University School of Business Scholastic Honorary, in 1959;

Whereas, From 1959 through 1962, Doris taught business education at Washington High School in Washington, Indiana;

Whereas, After moving to Greenwood, Indiana, Doris began teaching business education at Greenwood High School, where she remained until 1967;

Whereas, In 1968, Doris gave birth to twin girls, Sarah and Susan;

Whereas, In 1972, Doris began teaching shorthand two nights a week at Central Nine Vocational Technical School in Greenwood, Indiana;

Whereas, In 1982, Doris embarked on a public service career when she became manager of the Greenwood license branch, a position she would resign in December 1990, when she transferred to the Johnson County clerk's office in Franklin, Indiana;

Whereas, After 14 years of dedicated service to the people of Johnson County, Doris is ready to retire and enjoy her grandchildren: Will, 5; Mary, 3; and twins Morgan and Meagan, 4; and

Whereas, Dedicated public servants like Doris Scroggins form the backbone of Indiana government; the citizens of Indiana are truly grateful for her many hours of dedicated service: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the members of the Indiana House of Representatives wish Doris Scroggins the best in her much deserved retirement.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Doris Scroggins.

The resolution was read a first time and adopted by voice vote.

Senate Concurrent Resolution 40

The Speaker handed down Senate Concurrent Resolution 40, sponsored by Representatives Lehe, Klinker, T. Brown, and Micon:

A CONCURRENT RESOLUTION honoring Gene Keady's twenty-fifth year as head coach of the Purdue University Men's Basketball Team.

Whereas, Coach Gene Keady has represented the State of Indiana with great honor, integrity, and competitive intensity as Purdue University's Men's Basketball Coach for 25 years;

Whereas, Coach Keady has been an outstanding role model for the hundreds of young men who have been his players, managers, and assistants. Throughout his career, he has emphasized success in academics, as well as victory on the court, inspiring ninety percent of the athletes who played for him at Purdue for four years to earn their degree;

Whereas, Coach Keady has led his Boilermaker teams through numerous successful seasons, including six that brought Big Ten Conference championships and twenty-two that resulted in appearances in post-season tournaments;

Whereas, The Boilermakers have provided countless hours of entertaining and passionate basketball for millions of basketball fans in this state and around the world;

Whereas, Coach Keady has won more than seventy percent of his games and has earned over 500 victories during a forty-seven year career as head coach at the high school, junior college, university, and international levels and is the winningest coach in Purdue history;

Whereas, Coach Keady has been part of Gold Medal-winning teams in four of his six international coaching experiences, including the 2000 Summer Olympic Games in Sydney, Australia, where he served as an assistant coach;

Whereas, His national honors include eight different National Coach of the Year Awards, an unprecedented seven selections as Big Ten Coach of the Year, induction into three halls of fame, including

the Indiana Basketball Hall of Fame, and the prestigious Naismith Award, which is presented to individuals who exhibit tremendous sportsmanship on and off the court and have demonstrated a lifelong dedication to the sport of basketball;

Whereas, Coach Keady is a member and former president of the National Association of Basketball Coaches and has been actively involved in speaking about all issues involving college basketball;

Whereas, Indiana basketball has been greatly elevated by his presence as a competitor and a sportsman; and

Whereas, Coach Keady and his wife Pat have been exemplary ambassadors for Indiana, throughout our nation, and around the world while also focusing on their children Lisa, Beverly, and Dan: Therefore,

*Be it resolved by the Senate
of the General Assembly of the State of Indiana,
the House of Representatives concurring:*

SECTION 1. That the Indiana General Assembly honors Gene and Pat Keady for their twenty-five years of distinguished service and loyalty to Purdue University and the State of Indiana and wishes them continued health and happiness.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this resolution to Gene and Pat Keady, Dr. Martin C. Jischke, President of Purdue University, and Morgan Burke, Director of Intercollegiate Athletics at Purdue University.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution.

ENGROSSED SENATE BILLS ON THIRD READING

Engrossed Senate Bill 181

Representative Wolkins called down Engrossed Senate Bill 181 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning environmental law.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 477: yeas 51, nays 47. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 598

Representative Behning called down Engrossed Senate Bill 598 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning education.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 478: yeas 55, nays 44. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 127

Representative Torr called down Engrossed Senate Bill 127 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning time.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

On the motion of Representative Fry the previous question was called. Roll Call 479: yeas 49, nays 50. The bill failed.

The Speaker yielded the gavel to the Speaker Pro Tempore, Representative Turner.

Engrossed Senate Bill 381

Representative Cherry called down Engrossed Senate Bill 381 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration and to make an appropriation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 480: yeas 75, nays 21. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 482

Representative Thomas called down Engrossed Senate Bill 482 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning elections.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 481: yeas 96, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 307

Representative Behning called down Engrossed Senate Bill 307 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning local government and to make an appropriation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 482: yeas 51, nays 47. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 493

Representative Ruppel called down Engrossed Senate Bill 493 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration and to make an appropriation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 483: yeas 94, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

The Speaker Pro Tempore yielded the gavel to the Speaker.

Engrossed Senate Bill 125

Representative Ripley called down Engrossed Senate Bill 125 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning insurance.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 484: yeas 57, nays 41. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 281

Representative Behning called down Engrossed Senate Bill 281 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning education.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

On the motion of Representative Summers the previous question was called. Roll Call 485: yeas 45, nays 54. The bill was defeated.

HOUSE MOTION

Mr. Speaker: I move that Engrossed Senate Bill 127 be reconsidered pursuant to House Rule 95.

GUTWEIN

Upon request of Representatives Stilwell and Dobis, the Speaker ordered the roll of the House to be called. Roll Call 486: yeas 52, nays 46. Motion prevailed.

Engrossed Senate Bill 127

The Speaker handed down Engrossed Senate Bill 127, sponsored by Representative Torr, for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning time.

The bill was reread a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 487: yeas 51, nays 47. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

OTHER BUSINESS ON THE SPEAKER'S TABLE

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has not concurred in House amendments to Engrossed Senate Bill 132 and the President Pro Tempore has appointed the following Senators a conference committee to meet and confer with a like committee of the House on said bill, and to report thereon:

Conferees: Zakas, Chair; and Lewis

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I hereby transmit Senate Enrolled Acts 14, 63, 75, 92, 95, 96, 149, 195, 198, 230, 301 for signature.

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I hereby transmit Senate Enrolled Act 330 and 352 for signature.

MARY C. MENDEL
Principal Secretary of the Senate

The House recessed until the fall of the gavel.

RECESS

The House reconvened at 8:25 p.m. with the Speaker in the Chair.

Representative Hoffman was excused and Representative Goodin was excused for the rest of the day.

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Engrossed House Bills 1001, 1083, 1097, 1113, 1137, 1165, 1179, 1182, 1250, 1525, 1646, and 1736 with

amendments and the same are herewith returned to the House for concurrence.

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has accepted and approved the Joint Rule 20 correction on Engrossed Senate Bill 209.

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has accepted and approved the Joint Rule 20 correction on Engrossed Senate Bill 285.

MARY C. MENDEL
Principal Secretary of the Senate

ENGROSSED SENATE BILLS ON THIRD READING

Representative Cheney rose to a point of order requesting a quorum call. The Speaker ordered the roll of the House to be called. Roll Call 488: 67 present. The Speaker declared a quorum present.

Engrossed Senate Bill 533

Representative Lehe called down Engrossed Senate Bill 533 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 489: yeas 79, nays 15. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 419

Representative Koch called down Engrossed Senate Bill 419 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning the rights of citizens serving overseas.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 490: yeas 95, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 498

Representative Hinkle called down Engrossed Senate Bill 498 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning civil procedure and local government.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 491: yeas 88, nays 8. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 13

Representative T. Harris called down Engrossed Senate Bill 13 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 492: yeas 82, nays 14. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 422

Representative Frizzell called down Engrossed Senate Bill 422 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 493: yeas 95, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 295

Representative Foley called down Engrossed Senate Bill 295 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning property.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Representatives T. Harris, Ulmer, and Whetstone was excused from voting, pursuant to House Rule 47. Roll Call 494: yeas 93, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Representative Hoffman, who had been excused, was present.

Engrossed Senate Bill 496

Representative Espich called down Engrossed Senate Bill 496 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 495: yeas 73, nays 24. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 2

Representative Duncan called down Engrossed Senate Bill 2 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 496: yeas 96, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 379

Representative Cherry called down Engrossed Senate Bill 379 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning trade regulation.

The bill was read a third time by sections and placed upon its passage.

HOUSE MOTION (Amendment 379-3)

Mr. Speaker: I move that Engrossed Senate Bill 379 be recommitted to a Committee of One, its sponsor, with specific instructions to amend as follows:

Page 8, delete lines 6 through 11.

(Reference is to ESB 379 as reprinted April 6, 2005.)

CHERRY

Upon request of Representatives Bauer and Stilwell, the Speaker ordered the roll of the House to be called. Roll Call 497: yeas 50, nays 44. There not being a two-thirds vote in favor of the motion, the motion failed.

The question then was, Shall the bill pass?

Roll Call 498: yeas 95, nays 2. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 420

Representative Budak called down Engrossed Senate Bill 420 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning children.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 499: yeas 96, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 452

Representative Borrer called down Engrossed Senate Bill 452 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning transportation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 500: yeas 96, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 529

Representative Behning called down Engrossed Senate Bill 529 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning human services.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 501: yeas 98, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Representative Bauer was excused.

Engrossed Senate Bill 538

Representative Becker called down Engrossed Senate Bill 538 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning health.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 502: yeas 94, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 382

Representative Alderman called down Engrossed Senate Bill 382 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning alcohol and tobacco.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 503: yeas 81, nays 14. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 523

Representative Borror called down Engrossed Senate Bill 523 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning human services.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 504: yeas 80, nays 16. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Representative Bauer, who had been excused, was present.

Engrossed Senate Bill 508

Representative Torr called down Engrossed Senate Bill 508 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 505: yeas 92, nays 5. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Representative Bottorff was excused for the rest of the day.

Engrossed Senate Bill 371

Representative Behning called down Engrossed Senate Bill 371 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning education.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

On the motion of Representative Crooks the previous question was called. Representative E. Harris was excused from voting, pursuant to House Rule 47. Roll Call 506: yeas 49, nays 47. The bill failed for lack of a constitutional majority.

Engrossed Senate Bill 140

Representative Saunders called down Engrossed Senate Bill 140 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning gaming.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 507: yeas 86, nays 2. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Representative Bauer was excused.

Engrossed Senate Bill 296

Representative Richardson called down Engrossed Senate Bill 296

for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning education.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 508: yeas 91, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 480

Representative Richardson called down Engrossed Senate Bill 480 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning elections.

The bill was read a third time by sections and placed upon its passage.

HOUSE MOTION (Amendment 480-5)

Mr. Speaker: I move that Engrossed Senate Bill 480 be recommitted to a Committee of One, its sponsor, with specific instructions to amend as follows:

Page 2, after line 42, begin a new paragraph and insert:

"SECTION 4. IC 3-9-4-20 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 20. (a) Notwithstanding section 16 of this chapter, if a person is notified by the election division that the commission may assess a proposed civil penalty under this article against the person, the person may enter into an agreement with the election division to pay the proposed penalty and waive a hearing before the commission otherwise required under section 16 of this chapter.**

(b) An agreement entered into under this section must:

(1) provide for the payment of the entire proposed civil penalty not later than the date of the execution of the agreement; and

(2) be presented to the commission by the election division for ratification at the commission's next regularly scheduled meeting.

SECTION 5. IC 3-9-5-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 6. (a) This subsection applies to a candidate's committee **other than a candidate's committee of a candidate for a state office.** Except as otherwise provided in this chapter, each committee, the committee's treasurer, and each candidate shall complete a report required by this chapter current and dated as of the following dates:

(1) Twenty-five (25) days before the nomination date.

(2) Twenty-five (25) days before the general, municipal, or special election.

(3) The annual report filed and dated as required by section 10 of this chapter.

(b) This subsection applies to a regular party committee. Except as otherwise provided in this chapter, each committee and the committee's treasurer shall complete a report required by this chapter current and dated as of the following dates:

(1) Twenty-five (25) days before a primary election.

(2) Twenty-five (25) days before a general, municipal, or special election.

(3) The date of the annual report filed and dated as required under section 10 of this chapter.

(c) This subsection applies to a legislative caucus committee. Except as otherwise provided in this chapter, each committee and the committee's treasurer shall complete a report required under this chapter current and dated as of the following dates:

(1) Twenty-five (25) days before a primary election conducted in an even-numbered year.

(2) Twenty-five (25) days before a general election conducted in an even-numbered year.

(3) The date of the annual report filed and dated as required under section 10 of this chapter.

A legislative caucus committee is not required to file any report

concerning the committee's activity during an odd-numbered year other than the annual report filed and dated under section 10 of this chapter.

(d) This subsection applies to a political action committee. Except as otherwise provided in this chapter, each committee and the committee's treasurer shall complete a report required by this chapter current and dated as of the following dates:

- (1) Twenty-five (25) days before a primary election.
- (2) Twenty-five (25) days before a general, municipal, or special election.
- (3) The date of the annual report filed and dated as required under section 10 of this chapter.

(e) This subsection applies to a candidate's committee of a candidate for a state office. A candidate's committee is not required to file a report under section 8.2, 8.4, or 8.5 of this chapter. For a year in which an election to the state office is held, the treasurer of a candidate's committee shall file the following reports:

- (1) A report covering the period from January 1 through March 31 of the year of the report. A report required by this subdivision must be filed not later than noon April 15 of the year covered by the report.**
- (2) A report covering the period from April 1 through June 30 of the year of the report. A report required by this subdivision must be filed not later than noon July 15 of the year covered by the report.**
- (3) A report covering the period from July 1 through September 30 of the year of the report. A report required by this subdivision must be filed not later than noon October 15 of the year covered by the report.**
- (4) A report covering the period from October 1 of the year of the report through the date that is fifteen (15) days before the date of the election. A report required by this subdivision must be filed not later than noon seven (7) days before the date of the election.**
- (5) A report covering the period from the date that is fifteen (15) days before the date of the election through December 31 of the year of the report. A report required by this subdivision must:**

(A) provide cumulative totals from January 1 through December 31 of the year of the report; and

(B) be filed not later than the deadline specified in section 10 of this chapter.

SECTION 6. IC 3-9-5-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 8. (a) This section:

(1) applies to a candidate for nomination to an office in a convention who becomes a candidate less than twenty-five (25) days before the nomination date for a candidate chosen at a convention; and

(2) does not apply to a candidate for nomination to a state office by a major political party at a convention conducted under IC 3-8-4.

(b) A candidate is not required to file a report in accordance with section 6(a)(1) of this chapter. The candidate shall file the candidate's first report not later than noon twenty (20) days after the nomination date for a candidate chosen at a convention.

(c) The reporting period for the first report required for a candidate begins on the date that the individual became a candidate and ends on the day following the adjournment of the convention.

SECTION 7. IC 3-9-5-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 9. (a) Except as provided in subsections (b) and (c), in a year in which a candidate is not a candidate for election to an office to which this article applies or does not seek nomination at a caucus or state convention for election to an office to which this article applies, the treasurer of the candidate's committee shall file only the report required by section 10 of this chapter.

(b) This subsection applies to a candidate who holds one (1) office and is a candidate for a different office (or has filed a statement of organization for an exploratory committee without indicating that the individual is a candidate for a specific office). The treasurer of the candidate's committee for the office the candidate holds shall file the following reports:

(1) If the committee spends, transfers in, or transfers out at least ten thousand dollars (\$10,000) from January 1 until twenty-five (25) days before the primary election, the treasurer shall file a preprimary report under section 6 of this chapter.

(2) If the committee spends, transfers in, or transfers out at least ten thousand dollars (\$10,000) from twenty-five (25) days before the primary election until twenty-five (25) days before the general election, the treasurer shall file a pregeneral election report under section 6 of this chapter.

(3) The report required under section 10 of this chapter.

(c) This subsection applies to a candidate who is required to file a preprimary report or pre-convention report under section 6 of this chapter and who:

- (1) is defeated at the primary election or convention; or
- (2) withdraws or is disqualified as a candidate before the general election.

The treasurer of a candidate's committee described by this subsection is not required to file a pregeneral election report under section 6 of this chapter but shall file the report required by section 10 of this chapter.

(d) This subsection applies to a candidate for election to a city office or a town office. If a municipal primary is not conducted in the municipality by one (1) or more parties authorized to conduct a primary, the candidate must file a report in accordance with the schedule set forth in section 6 of this chapter as if the primary were conducted. If a municipal election is not conducted in the municipality, the candidate must file a report in accordance with section 6 of this chapter as if the municipal election were conducted.

(e) This subsection applies to a candidate's committee of a candidate for a state office. For a year in which an election to the state office is not held, the treasurer of a candidate's committee shall file the following reports in addition to any other report required by this article:

(1) A report covering the period from January 1 through June 30 of the year of the report. A report required by this subdivision must be filed not later than noon July 15 of the year covered by the report.

(2) A report covering the period from July 1 through December 31 of the year of the report. A report required by this subdivision must:

(A) provide cumulative totals from January 1 through December 31 of the year of the report; and

(B) be filed by the deadline specified in section 10 of this chapter.

SECTION 8. IC 3-9-5-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 10. (a) The treasurer of each committee shall file a report each year that is complete as of December 31 of the previous year and covers the period since the last report. This annual report is due by noon:

(1) the third Wednesday in January, in the case of:

- (A) a candidate's committee;
- (B) a legislative caucus committee; or
- (C) a political action committee; or

(2) March 1, in the case of a regular party committee.

(b) A candidate's committee of a candidate for a state office that files a report:

(1) under section 6(e)(5) or 9(e)(2) of this chapter; and

(2) by the deadline specified under subsection (a) for filing a candidate's committee report;

is not required to file an additional report under this section.

SECTION 9. IC 3-9-5-20.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 20.1. (a) This section:

(1) applies only to a large contribution that is received by a candidate, the candidate's committee, or the treasurer of the candidate's committee; and

(2) does not apply to a candidate for a state office, the candidate's committee, or the treasurer of the candidate's committee.

(b) As used in this section, "election" refers to any of the following:

- (1) A primary election.
- (2) A general election.

- (3) A municipal election.
- (4) A special election.
- (5) For candidates nominated at a state convention, the state convention.

(c) As used in this section, "large contribution" means contributions:

- (1) that total at least one thousand dollars (\$1,000); and
- (2) that are received:
 - (A) not more than twenty-five (25) days before an election; and
 - (B) not less than forty-eight (48) hours before an election.

(d) The treasurer of a candidate's committee shall file a supplemental large contribution report with the election division or a county election board not later than forty-eight (48) hours after the contribution is received. A candidate for a legislative office shall file a report required by this section with the election division and the county election board as required by section 3 of this chapter. A report filed under this section may be filed by facsimile (fax) transmission.

(e) A report required by subsection (d) must contain the following information for each large contribution:

- (1) The name of the person making the contribution.
- (2) The address of the person making the contribution.
- (3) If the person making the contribution is an individual, the individual's occupation.
- (4) The total amount of the contribution.
- (5) The dates and times the contributions making up the large contribution were received by the treasurer, the candidate, or the candidate's committee.

(f) The commission shall prescribe the form for the report required by this section.

SECTION 10. IC 3-9-5-22 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 22. (a) This section applies only to a large contribution that is received by a candidate for a state office, the candidate's committee, or the treasurer of the candidate's committee.**

(b) As used in this section, "election" refers to any of the following:

- (1) For a candidate nominated at a primary election, the primary election.**
- (2) For a candidate nominated at a state convention, the state convention.**
- (3) A general election.**

(c) As used in this section, "large contribution" means either of the following:

- (1) Contributions:**
 - (A) that total at least one thousand dollars (\$1,000); and**
 - (B) that are received:**
 - (i) after the end of a reporting period and before the deadline for the candidate's committee to file a report under section 6 of this chapter; and**
 - (ii) not less than forty-eight (48) hours before an election.**
- (2) A single contribution that is at least ten thousand dollars (\$10,000) that is received at any time.**

(d) The treasurer of a candidate's committee shall file a supplemental large contribution report with the election division not later than:

- (1) forty-eight (48) hours after a contribution described by subsection (c)(1) is received; or**
- (2) noon seven (7) days after a contribution described by subsection (c)(2) is received.**

(e) A report filed under this section may be filed by facsimile transmission or as an electronic report when the requirements of IC 3-9-4 or this chapter have been met. A report required by subsection (d) must contain the following information for each large contribution:

- (1) The name of the person making the contribution.**
- (2) The address of the person making the contribution.**
- (3) If the person making the contribution is an individual, the individual's occupation.**

(4) The total amount of the contribution.

(5) The dates and times the contributions making up the large contribution described in subsection (c)(1) or a large contribution described in subsection (c)(2) were received by the treasurer, the candidate, or the candidate's committee.

(f) The commission shall prescribe the form for the report required by this section."

Page 24, between lines 36 and 37, begin a new paragraph and insert:

"SECTION 50. [EFFECTIVE UPON PASSAGE] **(a) IC 3-9-4-20, as added by this act, applies to a committee that has been notified by the election division of a proposed civil penalty under IC 3-9 before January 1, 2006.**

(b) This SECTION expires January 1, 2006.

SECTION 51. [EFFECTIVE UPON PASSAGE] **(a) The definitions in IC 3-5-2 apply throughout this SECTION.**

(b) A county voter registration office may provide original copies of the county's voter registration applications and other voter registration records to:

- (1) the state; or**
- (2) an entity acting as the state's agent under a contract between the entity and the state;**

for the purpose of optically scanning information set forth on the applications and records so that this information can be included in the statewide voter registration computerized list to be established under IC 3-7-26.3.

(c) If a county voter registration office provides original copies to the state under this SECTION, the state and the state's agent shall take all necessary and prudent steps to safeguard and preserve the county records during the time the state or the state's agent has custody of these records. The state or the state's agent shall promptly return the original records to the county voter registration office upon completing the optical scanning described in subsection (b).

(d) If a county voter registration office provides original records to the state or the state's agent under this SECTION, the county, the county voter registration office, the circuit court clerk, each member of the county board of registration, and each employee of the county voter registration office are not liable, in either an official or individual capacity for any loss or damage that occurs to the county voter registration records during the time the state or the state's agent have custody of these records. The state's agent must assume full liability for any loss or damage to these records before taking custody of these records from the county voter registration office.

(e) This SECTION expires March 31, 2006."

Renumber all SECTIONS consecutively.

(Reference is to ESB 480 as reprinted April 8, 2005.)

RICHARDSON

There being a two-thirds vote in favor of the motion, the motion prevailed.

COMMITTEE REPORT

Mr. Speaker: Your Committee of One, to which was referred Engrossed Senate Bill 480, begs leave to report that said bill has been amended as directed.

RICHARDSON

Report adopted.

The question then was, Shall the bill pass?

Roll Call 509: yeas 95, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 8

Representative Duncan called down Engrossed Senate Bill 8 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 510: yeas 94, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Representative Bauer, who had been excused, was present.

Engrossed Senate Bill 376

Representative Budak called down Engrossed Senate Bill 376 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning human services.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

After discussion, Representative Whetstone moved the previous question. Motion failed.

After further discussion, on the motion of Representative Kromkowski the previous question was called. Roll Call 511: yeas 61, nays 35. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 416

Representative Becker called down Engrossed Senate Bill 416 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning health.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 512: yeas 70, nays 25. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 340

Representative Budak called down Engrossed Senate Bill 340 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 513: yeas 95, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 474

Representative Becker called down Engrossed Senate Bill 474 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 514: yeas 79, nays 16. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 549

Representative Whetstone called down Engrossed Senate Bill 549 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning public safety.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 515: yeas 96, nays 0. The bill was declared passed. The

question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

RESOLUTIONS ON FIRST READING

Senate Concurrent Resolution 59

The Speaker handed down Senate Concurrent Resolution 59, sponsored by Representative Budak:

A CONCURRENT RESOLUTION honoring the commitment of the Calumet Parliamentary Unit to the advancement of parliamentarians.

Whereas, Effective democracy requires assemblies of the citizens of the community to decide the actions of the community;

Whereas, During these assemblies, it is necessary to permit the citizens of the community to express their thoughts concerning actions to be taken by the community;

Whereas, After the citizens have expressed their thoughts, it is necessary to have a method of determining the will of the community regarding the action to be taken;

Whereas, It is necessary to have rules to govern the discussion and decisions of these assemblies;

Whereas, Parliamentary procedure has developed an effective set of rules to permit orderly discussion in assemblies of a large number of citizens and to permit an orderly determination of the will of the assembly;

Whereas, The Calumet Parliamentary Unit is a division of the National Association of Parliamentarians affiliated with the Indiana State Association of Parliamentarians; and

Whereas, The Calumet Parliamentary Unit meets regularly to study parliamentary procedure and to promote the educational programs of the National Association of Parliamentarians and the Indiana Association of Parliamentarians on a local level: Therefore,

*Be it resolved by the Senate
of the General Assembly of the State of Indiana,
the House of Representatives concurring:*

SECTION 1. The Indiana General Assembly hereby honors the Calumet Parliamentary Unit for its dedication toward the advancement of parliamentarians.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this resolution to Marjorie Vinzant Weber, President of the Calumet Parliamentary Unit.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution.

ENROLLED ACTS SIGNED

The Speaker announced that he had signed House Enrolled Acts 1263, 1320, 1375, and 1402 and Senate Enrolled Acts 32, 47, 56, 117, 164, 165, 197, 293, 525, and 603 on April 11.

OTHER BUSINESS ON THE SPEAKER'S TABLE

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has concurred in the House amendments to Engrossed Senate Bills 266, 308, 417, and 512.

MARY C. MENDEL
Principal Secretary of the Senate

HOUSE MOTION

Mr. Speaker: I move that when we do adjourn, we adjourn until Wednesday, April 13, 2005 at 10:00 a.m.

GUTWEIN

Motion prevailed.

PETITION TO CHANGE VOTING RECORD

Mr. Speaker: Pursuant to House Rule 75, I hereby petition to change my voting record on the third reading of Engrossed Senate Bill 77, Roll Call 396, on April 5, 2005. In support of this petition, I submit the following reason:

"I was present and in the Chamber, but when I attempted to vote, my vote was not recorded. I intended to vote yea."

AGUILERA

There being a constitutional majority voting in favor of the petition, the petition was adopted. [*Journal Clerk's note: this changes the vote tally for Roll Call 396 to 92 yeas, 0 nays.*]

PETITION TO CHANGE VOTING RECORD

Mr. Speaker: Pursuant to House Rule 75, I hereby petition to change my voting record on the third reading of Engrossed Senate Bill 296, Roll Call 508, on April 11, 2005. In support of this petition, I submit the following reason:

"I was present in the Chamber, but when I attempted to vote, the machine had closed. I intended to vote yea."

V. SMITH

There being a constitutional majority voting in favor of the petition, the petition was adopted. [*Journal Clerk's note: this changes the vote tally for Roll Call 508 to 91 yeas, 0 nays.*]

PETITION TO CHANGE VOTING RECORD

Mr. Speaker: Pursuant to House Rule 75, I hereby petition to change my voting record on the third reading of Engrossed Senate Bill 322, Roll Call 421, on April 5, 2005. In support of this petition, I submit the following reason:

"I was present and in my seat, but when I attempted to vote, my vote was not recorded. I intended to vote yea."

POND

There being a constitutional majority voting in favor of the petition, the petition was adopted. [*Journal Clerk's note: this changes the vote tally for Roll Call 421 to 94 yeas, 0 nays.*]

PETITION TO CHANGE VOTING RECORD

Mr. Speaker: Pursuant to House Rule 75, I hereby petition to change my voting record on the third reading of Engrossed Senate Bill 419, Roll Call 490, on April 11, 2005. In support of this petition, I submit the following reason:

"I was present and in the Chamber, but when I attempted to vote, the machine had closed. I intended to vote yea."

DVORAK

There being a constitutional majority voting in favor of the petition, the petition was adopted. [*Journal Clerk's note: this changes the vote tally for Roll Call 490 to 95 yeas, 0 nays.*]

HOUSE MOTION

Mr. Speaker: I move that Representative Goodin be added as cosponsor of Engrossed Senate Bill 13.

T. HARRIS

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Thomas be added as cosponsor of Engrossed Senate Bill 295.

FOLEY

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Koch be added as cosponsor of Engrossed Senate Bill 304.

ALDERMAN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Goodin be added as cosponsor of Engrossed Senate Bill 419.

KOCH

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Thomas be added as cosponsor of Engrossed Senate Bill 422.

FRIZZELL

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative GiaQuinta be added as cosponsor of Engrossed Senate Bill 523.

BORROR

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Goodin be added as cosponsor of Engrossed Senate Bill 525.

THOMAS

Motion prevailed.

On the motion of Representative Cheney, the House adjourned at 11:15 p.m., this eleventh day of April, 2005, until Wednesday, April 13, 2005, at 10:00 a.m.

BRIAN C. BOSMA
Speaker of the House of Representatives

M. CAROLINE SPOTTS
Principal Clerk of the House of Representatives